

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CSC HOLDINGS,

Plaintiff,

-against-

ERIC MITRANI,

Defendant.

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ORDER

CV 05-296 (LDW)(ARL)

LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated September 28, 2005, seeking to compel the defendant, Eric Mitrani, to provide his Rule 26(a) initial disclosures and to respond to the plaintiff's discovery requests. The defendant has not submitted opposition to the application. For the reasons set forth below, the application is granted, in part, and denied, in part.

Rule 26(a) provides that without awaiting a discovery request, a party shall provide to other parties certain discovery at or within 14 days after the Rule 26(f) conference. The plaintiff indicated its letter that the parties spoke and conferred regarding the merits and defenses of the action on July 1, 2005. The initial conference was held on August 10, 2005. Accordingly, to the extent the plaintiff's application seeks to compel the defendant to comply with Rule 26(a), the application is granted. The defendant must serve the plaintiff with his automatic disclosure pursuant to Rule 26(a) on or before October 21, 2005. Failure to comply with this order may result in the imposition of sanctions pursuant to Fed. R. Civ. P. 37(b).

The plaintiff's motion to compel the defendant to respond to its First Request for Admissions, Interrogatories, Production of Documents and Notice of Deposition is, however, denied. The plaintiff served the above-mentioned requests on the defendant on June 17, 2005, several weeks before the parties conferred pursuant to Rule 26(f). Fed. R. Civ. P. 26 (d) provides that "a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f). Accordingly, the plaintiff's request are a nullity.

Dated: Central Islip, New York
October 6, 2005

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge